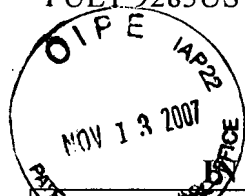


PATENT



BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Terry Pullaro	
Serial No.: 10/810,347	Art Group No.: 3711
Filed: March 26, 2004	Examiner: Alvin A. Hunter
For: SPORTS TRAINING AND CONDITIONING DEVICE	

St. Louis, Missouri

Date: November 7, 2007

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL OF APPELLANT'S REPLY TO THE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (PATENT APPLICATION 37 CFR 41.37)

1. Transmitted herewith is Appellant's Reply to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37)

2. STATUS OF APPLICANT

This application is on behalf of:

- ☐ other than a small entity
☒ small entity

Small entity status:

- ☒ is claimed.
☐ is NOT claimed.

3. FEE DEFICIENCY

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 7, 2007.

Dawn M. Carlton

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Appl. No.	:	10/810,347
Applicant	:	Terry Pullaro
Filed	:	March 26, 2004
Title	:	SPORTS TRAINING AND CONDITIONING DEVICE
TC/A.U.	:	3711
Examiner	:	Alvin A. Hunter
Conf. No.	:	8229
Docket No.	:	PULT 9283US

Mail Stop Appeal Brief - Patents
Assistant Commissioner of Patents
Alexandria, VA 22313-1450

**APPELLANT'S REPLY TO THE NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF (37 CFR 41.37)**

In response to the Notification of Non-Compliant Appeal Brief and the November 6, 2007 telephone discussion with the Patent Appeal Center, the Applicant submits the following amendments to the Appeal Brief.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 7, 2007.

Dawn M. Carlton
Dawn M. Carlton

On Page 1 of the Appeal Brief please replace the listing of headings with the following amended listing of headings:

This brief contains these items under the following headings and in the order set forth below (37 CFR 1.192(c)):

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF INVENTION
- VI. ISSUES
- VII. GROUPING OF CLAIMS
- VIII. ARGUMENTS
- IX. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
- X. ~~OTHER MATERIALS THAT APPELLANT CONSIDERS~~
~~NECESSARY OR DESIRABLE~~ EVIDENCE APPENDIX
- XI. RELATED PROCEEDINGS APPENDIX

On Page 13 of the Appeal Brief please replace the last heading with the following amended heading and section and please add the additional heading and section:

X. ~~OTHER MATERIALS THAT APPELLANT CONSIDERS~~
~~NECESSARY OR DESIRABLE~~ EVIDENCE APPENDIX

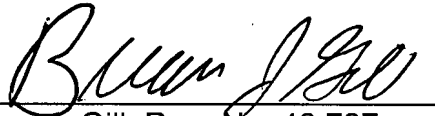
U.S.P.T.O MEMORANDUM dated May 3, 2007.

XI. RELATED PROCEEDINGS APPENDIX

None

Respectfully submitted,

Date: November 7, 2007



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